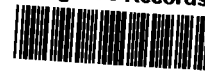




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

EPA Region 5 Records Ctr.



257351

JUN 20 2006

REPLY TO THE ATTENTION OF: SE-5J

VIA FACSIMILE (312) 744-6451 AND U.S. MAIL

Mr. Kevin LaBerge  
Chicago Department of Environment  
30 North LaSalle Street, 25<sup>th</sup> Floor  
Chicago, Illinois 60602-2575

RE: Lindsay Light II/OU3 North McClurg Court (Formerly Called Teacher's Retirement System, 341 East Ohio, Now Phase I ( Western Half, 345 East Ohio) and Phase II (Eastern Half, Vacant AKA 355 East Ohio)), Chicago, IL

Dear Mr. LaBerge:

This letter is in response to your letter dated June 1, 2006, regarding GaiaTech, on behalf of Golub and OGM Investors (Golub), donating the southern five feet of Phase I to the City of Chicago, after installing a sidewalk. In addition, you requested written assurance or denial from U.S. EPA indicating that remediation for the Phase I portion of the Lindsay Light II/OU3 North McClurg has been fully completed.

U.S. EPA has reviewed the e-mail sent by your UMBR consultant, Marcella Bondie Keenan, on June 8, 2006 at 3:18 pm, which had two maps attached. One map labeled Figure 1 Amended Final Survey showed the areas remediated and investigated on the property formerly known as 341 East Ohio, and the other map, ROW portion of survey showed the exact location of the dedication.

The Phase I portion of Lindsay Light II/OU3 provided in the map labeled Figure 1 is accurate. When this removal was completed on March 21, 2003, three radioactively-contaminated areas remained underneath the adjacent Grand Avenue and Ohio Street sidewalks. These three areas have the following thorium concentrations and gamma readings: 5.9 picoCuries per gram (pCi/g) and 35,000 counts per minute (cpm); 8.2 pCi/g and 23,000 cpm; and 241 pCi/g and 48,000 cpm. You will notice that one area was identified as 5.9 pCi/g, which is below our clean-up criterion of 7.1 pCi/g, however, the counts per minutes was 35,000 cpm, which is higher than an approximate cpm for our clean-up criterion. Depending on our radiation instrument, our clean-up criterion can range from 18,000 to 21,000 cpm. For example, the area found to be 8.2 pCi/g was 23,000 cpm. The map labeled Figure 1 Amended Final Survey indicates that the three areas found to have radiological impacts, have been remediated to as little as 3.5 feet and as much as 10 feet depending on the location. Please note the depth of 3.5 feet was due to the existence of a City electric line conduit under the sidewalk.

U.S. EPA does not have any basis or authority to approve or object to a real estate transaction in this instance. If the City "dedicates" the property donated by Golub to the City's Grand Avenue right-of-way, the City of Chicago becomes the "owner" of the property as defined by Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act. As a property owner, the City is responsible for preventing any actual or threatened release of thorium from its property, which according to Figure 1 should only happen if the soils below the electric line conduit are exposed or excavated.

If you have any questions, please contact me at (312) 886-3601. Please direct legal questions to Mary Fulghum, Associate Regional Counsel, at (312) 886-4683, or Cathleen Martwick, Associate Regional Counsel, at (312) 886-7166.

Sincerely,

A handwritten signature in black ink that reads "Verneta Simon". The signature is written in a cursive, flowing style.

Verneta Simon  
On-Scene Coordinator

cc: Kimberly Worthington, Chicago Department of Environment  
Mort Ames, Chicago Department of Law  
Marcella Bondie Keenan, UMBR Consultant/Chicago Department of Environment

bcc: Mary Fulghum, C-14J  
Charles Gebien, SE-5J  
Eugene Jablonowski, SMF-4J  
Mike Joyce, P-19J  
Cathleen Martwick, C-14J  
Debbie Regel, SE-5J